

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

VLADMIR, LTD.,

Plaintiff,

v.

**PACIFIC PARTS SUPPLY CO., INC.,
and DELMER E. ROGHAIR,**

Defendants.

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CIVIL ACTION NO.

SA-08-CV-0819 XR

ORDER DENYING MOTION TO COMPEL (#48)

The matter before the Court is defendants' motion to compel, the plaintiff's response and defendants' reply (docket entries 48, 56 and 60).

By the motion defendants seek an order to compel plaintiff to produce tax records and profit and loss statements for years 2006-08. The documents were were part of a document production request of June 12, 2009. Plaintiff supplied some responsive documents but has refused to supply the specific documents which are the subject of this motion.

The motion to compel was filed on September 8, 2009. The period for discovery was extended on July 24th to conclude on or before August 31, 2009. In his order granting the motion to extend deadlines Judge Rodriguez reminded the parties that "Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances...." Defendants did not address the issue of their post deadline filing in their motion or reply. No Rule 6(b)(1)(B) motion was filed requesting permission to file an out-of-time motion or demonstrating "excusable neglect" for the late filing.

The discovery deadline serves the important purpose of bringing closure to the time of producing and gathering information relevant to claims and defenses, and refocusing on the framing of possible dispositive motions and responding to those motions presented to the Court. The original discovery deadline in this case was March 20, and later expanded to May 15, June 30 and finally August 31. Dispositive motions have now been filed and responded to, and trial is scheduled for December 14, 2009. The Court explained in its order entered on July 24th (as it had explained in its previous scheduling orders) that it would not intervene in continuing discovery disputes after the deadline except for extraordinary reasons. None have been identified and nor are they apparent to the Court.

For these reasons, the motion to compel is ORDERED DENIED.

SIGNED on October 1, 2009.

A handwritten signature in cursive script, reading "Nancy Stein Nowak", written over a horizontal line.

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE